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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of: )  
 )  
Amendment of Section 73.202(b), ) MM Docket No. \_\_\_\_\_  
Table of FM Allotments, ) RM \_\_\_\_\_  
Pacos and Wink, Texas )

To: The Chief  
Allocations Branch

**PETITION FOR RULE MAKING AND  
REQUEST FOR MODIFICATION OF CONSTRUCTION PERMIT**

Ronald W. Latimer ("Latimer"), the permittee of Station KKLY(FM), Paco, Texas, by his attorneys, hereby respectfully petitions the Commission to institute a rule making proceeding for the purpose of amending Section 73.202(b) of the Commission's Rules, the Table of Allotments, as follows:

ALLOTMENTS

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Pacos, Texas	247C1	---
Wink, Texas	---	247C1

1. The Commission may modify Latimer's license without considering competing expressions of interest because: (1) the new allotment of Channel 247C1 at Wink is mutually exclusive with the existing allotment of Channel 247C1 at Pecos; (2) the change of allotment will not deprive Pacos of local broadcast service<sup>1</sup>; and (3) the new allotment will result in a net service benefit

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<sup>1</sup> Pecos, Texas is already served by Stations KIUN(AM) and KPTX(FM). Further, in that the Station has not been constructed, this provision is not applicable to the instant request. See Bagdad and Chino Valley, Arizona, DA96-1810, released November 8, 1996.

*Day*

for the affected communities. See Report and Order in MM Docket No. 88-526, 4 FCC Rcd 877 (1989), recon. denied, 5 FCC Rcd 7094 (1990). The proposed changes, taken as a whole, will advance the Commission's allotment priorities. Id. As indicated by the attached engineering statement, this request complies with Commission allotment requirements.

2. Furthermore, the application of the Commission's FM allotment priorities and policies demonstrates that the proposal will result in a preferential arrangement of allotments. See Revision of FM Assignments, Policies and Procedures, 90 FCC 2d 88, 92 (1982). The proposed allotment will allow the city of Wink to have its first aural service. Wink, with approximately 1,182 residents<sup>2</sup> is a community presently in need of transmitter service.

3. The City of Wink was established in 1928. The city is governed by a mayor and a board of aldermen. The city has many basic services including a police department, a water department, a tax assessors and collections office, and a United States Post Office. It is fully entitled to the allotment of an FM frequency.

4. Should the Commission authorize the allotment change requested herein and modify the license of Station KKLY(FM) accordingly, Petitioner states that he will promptly submit an

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<sup>2</sup> 1980 Census figures.

application to modify the facilities of Station KKLY(FM) to permit construction and operation of the modified facility.

WHEREFORE, for the foregoing reasons, Ronald Latimer respectfully requests that the Commission initiate a rule making proceeding to amend Section 73.202(b) of the Commission's rules to realLOT Channel 247C1 from Pacos to Wink, Texas, and issue an order modifying the Station's construction permit to change its community of license accordingly.

Respectfully Submitted,

**RONALD W. LATIMER**

By: 

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Its Attorneys

Dated: Oct 16, 1997

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## TECHNICAL NARRATIVE

This technical showing is prepared to support Ronald W. Latimer proposal to change city of license of KKLY(FM) from Pecos, Texas to Wink, Texas. This proposal is to render first service to Wink, Texas.

The proposed reference coordinates are:

31°28'16" North, 102°57'28" West.

Exhibit A demonstrates that this site meets all spacings as required by §73.207 of the FCC Rules for this class operation. Exhibit B demonstrates that the entire city of Wink, Texas receives service from the reference coordinates at maximum facilities, as required by §73.315.

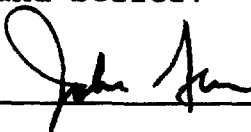
According to the 1990 US Census, Wink, Texas is designated as a "city" and has a population of 1,189 persons in 465 households. The city is located outside any urbanized area. Wink is located in Winkler County which has 8,626 persons.

This site is 23 kilometers from the current authorized site. The authorized site is not operational and therefore there is no service lost or gained. The proposed operation operating as a full Class C1 will serve 130,047 persons in 16,377 square kilometers.

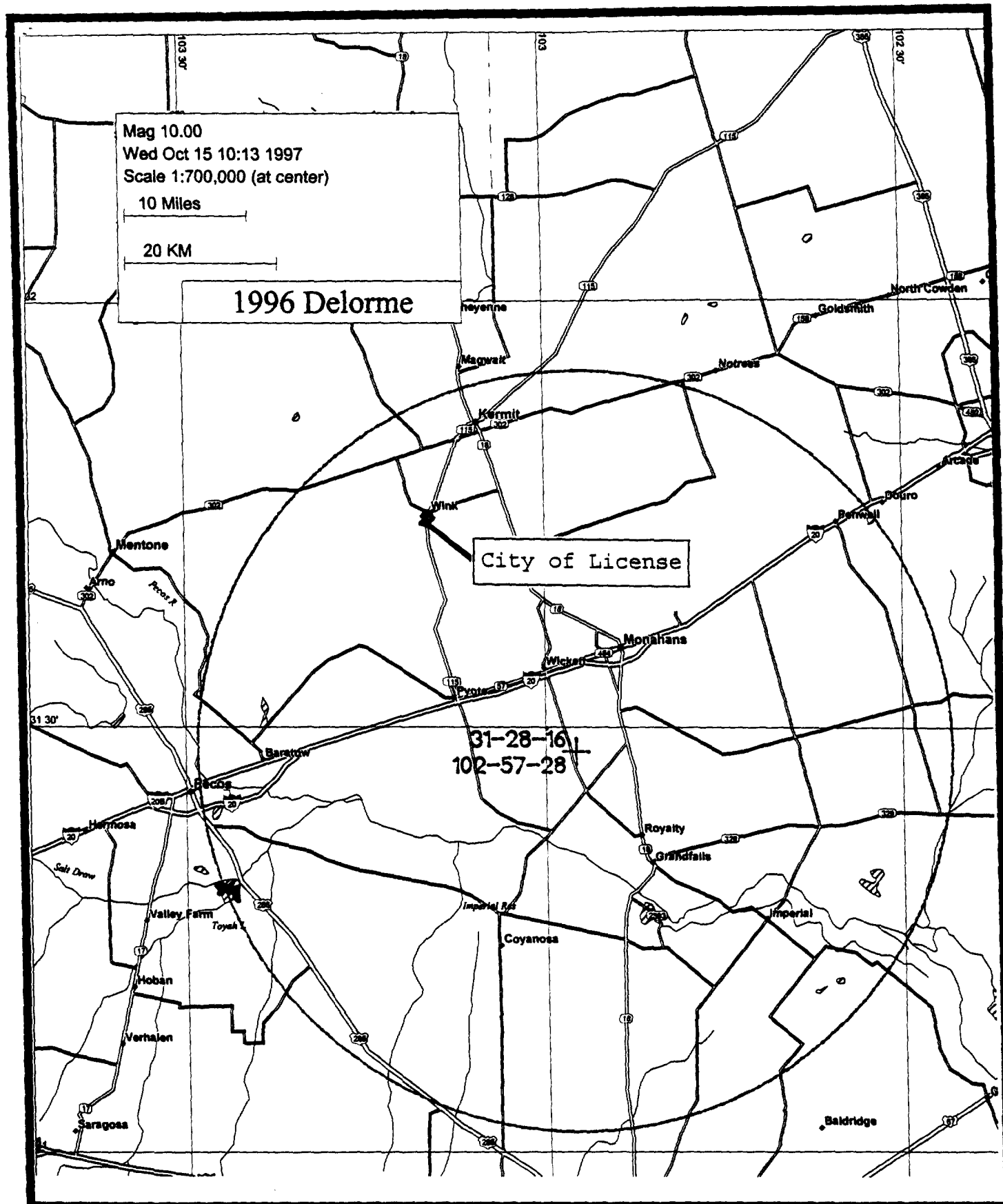
Pecos, Texas has two other operating facilities, KPTX(FM) and KIUN(AM). Therefore, Pecos will suffer no loss of aural services for its local programming.

My qualifications are a matter of record with the FCC. The above information and attached exhibits are true and correct according to my knowledge and belief.

October 15, 1997

  
\_\_\_\_\_  
John R. Furr





**JF&A**  
COMMUNICATIONS  
CONSULTANTS

CITY COVERAGE MAP

KKLY  
WINK, TX  
EXHIBIT B